[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 21-10286

Non-Argument Calendar

In re: BARBARA ALBYTINE GIBBS,

Debtor.

M. EUGENE GIBBS,

Plaintiff-Appellant,

versus

BARBARA ALBYTINE GIBBS,

Defendant-Appellant,

NATIONSTAR MORTGAGE LLC,
d.b.a. Mr. Cooper,
BANK OF AMERICA,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:20-cv-01928-MHC,
Bkcy No. 1:19-bk-54809-WLH

Before WILLIAM PRYOR, Chief Judge, JILL PRYOR and BRANCH, Circuit Judges.

PER CURIAM:

M. Eugene Gibbs appeals *pro se* several orders entered in an adversary proceeding he filed against his wife, Barbara Gibbs, who is a debtor in a bankruptcy proceeding; her lender, Bank of America; and its assignee, Nationstar Mortgage, LLC. We previously dismissed as unreviewable the part of Gibbs's appeal that challenged the decision of the bankruptcy court to abstain from hearing his adversary complaint. *See* 28 U.S.C. § 1334(d). Gibbs also has filed a "Motion for Clarification, [Legal Opinion] and *en banc* Review," which we construe as a motion to reconsider the partial dismissal

of his appeal, and motions for a summary reversal and to expedite our ruling. We deny as moot Gibbs's motions, and we dismiss his appeal for lack of jurisdiction.

Gibbs filed an adversary complaint in Barbara's bankruptcy proceeding that challenged a non-judicial foreclosure on their residence. A clerk entered default judgments against Bank of America and Nationstar. The bankruptcy court vacated the default judgment against Bank of America for insufficient service of process. And after Gibbs filed a second amended complaint, the bankruptcy court vacated the default judgment against Nationstar. The bankruptcy court denied Gibbs's renewed motion for default judgment against Bank of America and then abstained from hearing his complaint, *id.* § 1334(c)(1). Gibbs moved to alter or amend the judgment. Fed. R. Civ. P. 59(e).

Gibbs appealed to the district court. Later, the bankruptcy court denied Gibbs's motion to alter or amend. Gibbs next moved the bankruptcy court to recuse and to grant him relief from its judgment, Fed. R. Civ. P. 60, but the bankruptcy court denied both motions. Gibbs did not amend his notice of appeal to include the denial of his postjudgment motions. The district court affirmed the judgment of the bankruptcy court and dismissed Gibbs's appeal.

In this appeal, Gibbs repeats his arguments concerning the default judgments and challenges the denial of his postjudgment motions and his motion for recusal. Gibbs also asserts that he "is not limited to a de novo appeal to the district court . . . [because] the bankruptcy court abstain[ed] after making substantive rulings."

We may not give opinions on moot questions. *Zinni v. ER Sols.*, 692 F.3d 1162, 1166 (11th Cir. 2012). An issue becomes moot when it no longer presents a "live" controversy or a ruling on the issues would have no practical significance. *Christian Coal. of Fla., Inc. v. United States*, 662 F.3d 1182, 1189 (11th Cir. 2011). To determine whether an issue is moot, we "look at the events at the present time, not at the time the complaint was filed or when the federal order on review was issued." *Dow Jones & Co. v. Kaye*, 256 F.3d 1251, 1254 (11th Cir. 2001). So "[w]hen events subsequent to the commencement of a lawsuit create a situation in which the court can no longer give the plaintiff meaningful relief, the case is moot and must be dismissed." *Fla. Ass'n of Rehab. Facilities v. State of Fla. Dep't of Health and Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000). And because mootness is jurisdictional in nature, we may address it *sua sponte*. *Nat'l Advert. Co. v. City of Miami*, 402 F.3d 1329, 1331–32 (11th Cir. 2005).

Many of Gibbs's arguments are moot. We cannot grant effective relief in an adversary proceeding where the bankruptcy court has abstained from exercising jurisdiction. *See Dow Jones*, 256 F.3d at 1254; *Fla. Ass'n of Rehab. Facilities*, 225 F.3d at 1217. And we cannot review that decision to abstain. 28 U.S.C. § 1334(d).

We also lack jurisdiction to review the denial of Gibbs's motions to recuse the bankruptcy court and to alter or amend its judgment. "Although a *district court*, at its discretion, may review interlocutory judgments and orders of a bankruptcy court, *see* 28 U.S.C. § 158(a), a *court of appeals* has jurisdiction over only final

judgments and orders entered by a district court or a bankruptcy appellate panel sitting in review of a bankruptcy court, *see* [*id.*] § 158(d)." *In re Celotex Corp.*, 700 F.3d 1262, 1265 (11th Cir. 2012) (quoting *In re F.D.R. Hickory House, Inc.*, 60 F.3d 724, 725 (11th Cir. 1995)). And we cannot review rulings of the bankruptcy court that Gibbs did not appeal to the district court.

We **DISMISS** Gibbs's appeal and **DENY AS MOOT** his motions to reconsider, summarily reverse, and expedite our ruling.